



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 082-16  
1115 GARDEN STREET  
MODIFICATION  
DECEMBER 7, 2016

**APPLICATION OF STEPHEN V. HARREL, ARCHITECT FOR HARREL PROPERTIES, LLC, 1115 GARDEN STREET, APN: 029-162-013, R-0 (RESTRICTED-OFFICE) ZONE, GENERAL PLAN DESIGNATION: OFFICE/HIGH DENSITY RES (28-36 DU/AC)/PRIORITY HOUSING OVERLAY (37-63 DU/AC) (MST2016-00170)**

The proposed project is a new three (3) story building, with four (4) units and four (4) covered parking spaces. The units will include one 4-bedroom unit and three 2-bedroom units totaling 3,625 square feet, a roof deck above the third level and 800 square feet of covered parking (carports). Existing on the site is an office building that will be partially demolished and converted to residential use. The project is being developed using the Average Unit-Size Density (AUD) Program (Priority Housing Overlay) on a 4,658 square foot lot, with a density of 38 dwelling units per acre (du/ac).

The discretionary application required for this project is a Modification to allow the private outdoor living space of the front unit to be located five feet of the front lot line instead of the required 10 feet (SBMC §28.21.081 and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor and six spoke in opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 1, 2016.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Maggie Dennison, Santa Barbara, CA
  - b. Kathleen A McGuire, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

- I.** Approved the subject application making the following findings and determinations:
  - A.** The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA certificate of determination on file for this project.
  - B.** The Modification to allow the private outdoor living space to be located five feet from the front property line instead of the required ten feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed location of the private outdoor living space of Unit D is consistent with the setbacks required for a building developed under the AUD development standards and would allow for the re-use of the footprint of existing building. The development of four new dwelling units; is consistent with the goals of the General Plan and AUD Program and the proposed setback it is consistent with the pattern of development in the neighborhood.
- II.** Said approval is subject to the following conditions:
  - A.** The air condenser unit added at the rear of the building shall be either removed or permitted. If permitted, it must comply with the City's Noise Ordinance.
  - B.** A Design Waiver for the driveway must be obtained from Transportation Planning prior to building permit issuance.
  - C.** Residents shall not participate in the Residential Permit Parking Program.
  - D.** **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
    - a. Rental Unit Restrictions.** The four approved residential units shall be maintained as rental housing use for as long as the property is developed and maintained at the incentive densities provided for in the Average Unit-Size Density Incentive Program.
  - E.** **Annual Resident Survey.** The owner shall conduct an annual resident survey commencing six months after final Certificate of Occupancy (C of O) and must be submitted to the Planning Division by December 31st of each year for the first eight years of the project. For example, if an AUD project was received C of O in November 2015, the first survey report will be due December 31, 2016. The annual survey report must include the following information for each unit:
    - a.** Net floor area.
    - b.** Number of bedrooms.
    - c.** Monthly rent (or condominium purchase price) and utilities.

- d. Periods of vacancy.
- e. Household size.
- f. Current employment location of each adult resident by zip code.
- g. Prior employment location of each adult resident by zip code.
- h. Prior residence zip code for each adult.
- i. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).

**F.** The following language shall be added to the plans submitted for building permit:

“Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If a discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If a discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.”

This motion was passed and adopted on the 7<sup>th</sup> day of December, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Krystal M. Vaughn  
Krystal M Vaughn, Commission Secretary

12/13/16  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Historic Landmarks Commission (HLC)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.

